



PATENT
Customer No. 22,852
Attorney Docket No. 07738.0155-00

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Leslie CHEONG et al.) Group Art Unit: 3624
Application No.: 09/579,787) Examiner: Jagdish Patel
Filed: May 26, 2000)
For: METHOD AND APPARATUS) Confirmation No.: 9899
FOR SURROGATE CONTROL)
OF NETWORK-BASED)
ELECTRONIC TRANSACTIONS)

Mail Stop Appeal Brief--Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 07 2004

GROUP 3600

Sir:

TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)

Transmitted herewith is the APPEAL BRIEF in this application with respect to the
Notice of Appeal filed on June 7, 2004.

This application is on behalf of

Small Entity Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

\$170.00 (Small Entity)

\$340.00 (Large Entity)

TOTAL FEE DUE:

Notice of Appeal Fee \$[Fee]

Extension Fee (if any) \$980.00

Total Fee Due \$1,320.00

Please charge the \$1,320.00 fee to Deposit Account No. 06-0916.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2004

By: _____


D. Kent Stier
Reg. No. 50,640
(404) 653-6559



PATENT
Customer No. 22,852
Attorney Docket No. 07738.0155-00

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Leslie CHEONG et al.) Group Art Unit: 3624
Application No.: 09/579,787) Examiner: Jagdish Patel
Filed: May 26, 2000)
For: METHOD AND APPARATUS)
FOR SURROGATE CONTROL)
OF NETWORK-BASED)
ELECTRONIC TRANSACTIONS)

RECEIVED

DEC 07 2004

GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER BOARD RULE § 41.37

Appellants submit this Brief on Appeal in response to the final rejection of claims 1-7, 12-20, 25-33, 38-44, 49-52, and 57-66 in an Office Action dated December 5, 2003. Pending Claims 1-66 are set forth in the Appendix submitted herewith. In accordance with Board Rule 41.37, this Brief is timely filed subsequent to a corresponding Notice of Appeal filed on June 7, 2004, (received on June 9, 2004) and a request for a three month extension of time filed concurrently with these papers to extend the period for taking appropriate action to November 9, 2004. The fees required under 37 C.F.R. § 1.17(c) totaling \$1,320.00 should be charged to Deposit Account No. 06-0916. If any additional fees are due, Appellants request that these fees be charged to Deposit Account No. 06-0916.

11/15/2004 YPOLITE1 00000043 060916 09579787

01 FC:1402 340.00 DA

I. Real Party Interest

The real party in interest is The Coca-Cola Company as indicated by an assignment recorded on August 8, 2001, on Reel 012091 at Frame 0565.

II. Related Appeals and Interferences

Presently, Appellants know of no other related appeals or interferences that may have a bearing on the Board's decision in the current appeal.

III. Status Of Claims

Claims 1-66 are pending in this application. Claims 1-7, 12-20, 25-33, 38-44, 49-52, and 57-66 were finally rejected by the Examiner and, therefore, are the focus of this appeal.

IV. Status Of Amendments

Subsequent to the final rejection, Appellants filed an Amendment After Final on March 5, 2004, in accordance with the Examiner's suggestions for allowance. However, no advisory action has been received in response to this Amendment After Final.

V. Summary Of Invention

A method and apparatus for surrogate control of electronic commerce transactions are provided that include a surrogate system through which an individual without a credit card is enabled to shop at online merchant sites. Upon opening an account within the surrogate system, the account can be funded using numerous fund sources, for example credit cards, checking accounts, money orders, gift certificates, incentive codes, online currency, coupons, and stored value cards. A user with a

funded account can shop at numerous merchant web sites through the surrogate system using a typical client computer World Wide Web (web) browser. When merchandise is selected for purchase, a purchase transaction is executed in which a credit card belonging to the surrogate system is assigned to the user. The assignment can be permanent or temporary. The credit card is loaded with funds from the user's corresponding funded account, and used to complete the purchase transaction. While the surrogate system is transparent to the user, controls are provided that include monitoring the data streams and, in response, controlling the information flow between the user and the merchant sites.

VI. Issues

The issue on appeal is as follows: Whether the rejection of Claims 1-7, 12-20, 25-33, 38-44, 49-52, and 57-66 under 35 U.S.C. § 102(b) is proper when the applied reference fails to teach each and every element recited in the claims.

VII. Grouping Of Claims

Appellants submit that the claims on appeal stand or fall together. In particular, each of the claims recites, for example, a credit card or debit card account. As set forth in detail below, at least these elements are not taught by any of the references cited by the Examiner.

VIII. Argument

Claims 1-66 are pending in the application, of which Claims 1, 15, 28, 41, 49, and 57-61 are independent. In the final Office Action dated December 5, 2003, the Examiner rejected Claims 1-7, 12-20, 25-33, 38-44, 49-52, and 57-66 under 35 U.S.C. §

102(b) as being anticipated by U.S. Patent No. 6,295,522 ("Boesch"). Claims 8-11, 21-24, 34-37, 45-48, and 53-56 were objected to in the final Office Action, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In the Amendment After Final Filed on March 5, 2004, it was proposed to amend Claims 1, 15, 28, 41, 49 to include the subject matter of allowable dependent Claims 11, 24, 37, 48, and 56, respectively. Furthermore, in the Amendment After Final, it was proposed to cancel Claims 11, 24, 37, 48, and 56-61 without prejudice or disclaimer. On March 26, 2004, a Notice of Allowability was supposedly issued by the Examiner in response to the Amendment After Final, but was never mailed. Instead, the Examiner informed Appellants that the application was being subjected to a second review, but failed to respond to the Amendment After Final. Without any response on the record from the Examiner, Appellants were forced to file this Appeal to preserve their rights in the present application.

Appellants respectfully submit that the Amendment After Final Filed on March 5, 2004, should be entered. Consequently, once the Amendment After Final is entered, independent Claims 1, 15, 28, 41, and 49 patentably distinguish the present invention over the cited art, and Appellants respectfully request withdrawal of this rejection of Claims 1, 15, 28, 41, and 49. Dependent Claims 2-10, 12-14, 16,-23, 25-27, 29-36, 38-40, 42-47, 50-55, and 62-66 will also be allowable at least for the reasons above regarding independent Claims 1, 15, 28, 41, and 49, and by virtue of their respective dependencies upon independent Claims 1, 15, 28, 41, and 49. Accordingly, upon entry of the Amendment After Final, Appellants respectfully request withdrawal of this rejection of dependent Claims 2-10, 12-14, 16,-23, 25-27, 29-36, 38-40, 42-47, 50-55,

and 62-66. (In sum, following entry of the Amendment After Final, Claims 1-10, 12-23, 25-36, 38-47, 49-55, and 62-66 remain in the application with Claims 11, 24, 37, 48, and 56-61 being canceled.)

However, if the Examiner decides that the above mentioned allowable subject matter is no longer allowable based on the second review, Appellants respectfully submit that Claim 1-66 are allowable at least for the reasons set forth in the Amendment filed September 9, 2003, which is incorporated herein by reference and attached as an exhibit after the appendix.

IX. Appendix

An attached appendix contains a copy of the claims involved in this appeal. Because the Amendment After Final has not been entered, the attached appendix contains a copy of the claims in their state prior to entry of the Amendment After Final.

X. Conclusion

In view of the foregoing discussion, Appellants submit that: (i) the Amendment After Final filed on March 5, 2004, should be entered and a Notice of Allowance should be issued allowing Claims 1-10, 12-23, 25-36, 38-47, 49-55, and 62-66; or (ii) the final rejection of Claims 1-7, 12-20, 25-33, 38-44, 49-52, and 57-66 should be reversed based at least on the arguments made in the Amendment filed September 9, 2003 and a Notice of Allowance should be issued allowing Claims 1-66.

To the extent that any further extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2003

By: _____


D. Kent Stier
Reg. No. 50,640
(404) 653-6559

Post Office Address (to which correspondence is to be sent)

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005
(202) 408-4000

Application Number: 09/579,787
Filing Date: May 26, 2000
Attorney Docket Number: 07738.0155-00

APPENDIX TO APPEAL BRIEF OF NOVEMBER 9, 2004

1. A method for surrogate control of electronic commerce transactions, comprising:
 - funding at least one surrogate account in a surrogate electronic system;
 - accessing at least one electronic commerce system through the surrogate electronic system;
 - selecting at least one item for purchase from the at least one electronic commerce system;
 - selecting at least one credit card account in the surrogate electronic system;
 - determining an amount due to complete at least one purchase transaction on the at least one electronic commerce system;
 - transferring funds equal to the amount due from the at least one surrogate account to the at least one credit card account; and
 - executing the at least one purchase transaction using the at least one credit card account.

2. The method of claim 1, further comprising performing fraud detection on at least one fund source.

3. The method of claim 1, wherein funding comprises placing funds in the at least one surrogate account from at least one fund source, wherein the at least one fund source includes at least one fund source selected from a group consisting of credit cards, checks, money orders, gift certificates, incentives, online electronic currency, Automatic Teller Machines, and stored value cards.

4. The method of claim 3, wherein funding using online electronic currency comprises:

determining a plurality of online electronic currency balances in a plurality of accounts;

aggregating an amount of online electronic currency from the plurality of accounts.

5. The method of claim 1, wherein accessing is transparent.

6. The method of claim 1, further comprising:

compiling records of purchase transactions completed through the surrogate electronic system;

presenting at least one list of merchants rank ordered according to the compiled records.

7. The method of claim 1, further comprising controlling information provided through the surrogate electronic system from the at least one electronic commerce system.

8. The method of claim 7, wherein the controlling comprises:

- monitoring data streams;
- performing pattern recognition on data streams transferred from the at least one electronic commerce system;
- determining content of the data streams;
- controlling information provided from the at least one electronic commerce system in response to the content.

9. The method of claim 8, wherein controlling includes at least one operation selected from a group consisting of inserting additional information into the data stream, substituting information in the data stream, filtering information in the data stream, and removing information from the data stream.

10. The method of claim 7, wherein the controlling comprises:

- assigning a surrogate electronic mail address to a user that is mapped to an actual electronic mail address of the user;
- providing the surrogate electronic mail address to the at least one electronic commerce system in response to requests for the actual electronic mail address;

filtering and categorizing electronic mail received from the at least one electronic commerce system, wherein sensitive information of the surrogate electronic system is removed; and

forwarding the filtered electronic mail to the actual electronic mail address of the user.

11. The method of claim 1, further comprising reconciling transactions for the at least one credit card account, wherein reconciling includes:

maintaining a surrogate system ledger including at least one balance for the at least one surrogate account and at least one corresponding purchase transaction record;

periodically receiving a credit account statement ledger including purchase transactions resulting in a change in the at least one balance; and

using the credit account statement ledger to adjust the surrogate system ledger.

12. The method of claim 1, wherein determining an amount due to complete at least one purchase transaction comprises:

determining a total amount due to complete the at least one purchase transaction;

determining a value of applicable credits selected from a group consisting of coupons, merchant incentives, and surrogate system incentives; and

subtracting the value of applicable credits from the total amount due to get the amount due.

13. The method of claim 1, wherein selecting at least one credit card account includes determining if the available credit of the at least one credit card account is sufficient to cover a purchase amount of the at least one purchase transaction.

14. The method of claim 1, wherein transferring funds comprises:
determining if a balance of the at least one surrogate account is enough to cover the amount due; and
increasing the balance of the at least one surrogate account if the balance is not enough, the increasing including receiving and aggregating funds from a plurality of fund sources.

15. A system for surrogate control of electronic commerce transactions, comprising:
a surrogate web site coupled among at least one client computer, at least one financial system, and at least one database including at least one user account, wherein the at least one user account is funded by a user with at least one user funding source;

at least one proxy server coupled among the at least one database, the at least one client computer, and at least one electronic merchant system, wherein

at least one purchase transaction is supported on the at least one client browser and the at least one electronic merchant system through the at least one proxy server, wherein payment for the at least one purchase transaction is funded using a surrogate funding source loaded with funds from the at least one user account, the surrogate funding source comprising a credit card account.

16. The system of claim 15, further comprising at least one fraud detection device for performing fraud detection scoring on the at least one user funding source and information associated with the user.

17. The system of claim 15, wherein the at least one user account is funded by placing funds in the at least one user account from the at least one user funding source, wherein the at least one user funding source includes at least one funding source selected from a group consisting of credit cards, checks, money orders, gift certificates, incentives, online electronic currency, Automatic Teller Machines, and stored value cards.

18. The system of claim 17, wherein funding using online electronic currency comprises:

determining a plurality of online electronic currency balances in a plurality of accounts at a plurality of locations on at least one network;

aggregating an amount of online electronic currency from the plurality of accounts.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey K. Reinemann Art Unit: 2164
 Serial No.: 10/024,503 Examiner: Joseph A. Fischetti
 Filed: December 17, 2001 Assignee: Intel Corporation
 Title : RESOURCE UTILIZATION MANAGEMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER AND PETITION FOR AUTOMATIC EXTENSION

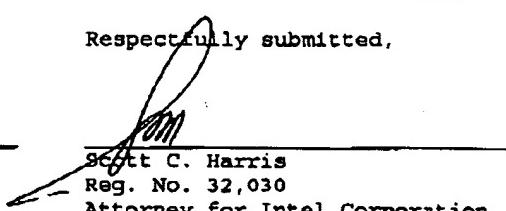
Correspondence relating to this application is enclosed.
 The required fees are computed below. Please apply charges to
 Deposit Account No. 06-1050.

Total					
Claims	26	-	26	=	0
Independent	3	-	3	=	0
Applicant hereby petitions under 37 C.F.R.					\$0
\$1.136 for a 1 month extension of time.					<u>\$110</u>

TOTAL FEE DUE		\$110
---------------	--	-------

Respectfully submitted,

Date: 11/30/04


 Scott C. Harris
 Reg. No. 32,030
 Attorney for Intel Corporation

Fish & Richardson P.C.
 12390 El Camino Real
 San Diego, California 92130
 Telephone: (858) 678-5070
 Facsimile: (858) 678-5099
 10460629.doc

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is
 being transmitted by facsimile to the Patent and
 Trademark Office on the date indicated below.

November 30, 2004
Veronica Whalen
 Signature

Typed or Printed Name of Person Signing Certificate	Veronica Whalen
---	-----------------

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.